

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SPH AMERICA, LLC,

Plaintiff,

v.

APPLE, INC. *et al.*,

Defendants.

Case No.: 3:10-cv-00404- JAH-AJB

JURY TRIAL DEMANDED

**ORDER GRANTING JOINT MOTION
TO DISMISS UTSTARCOM, INC.
WITHOUT PREJUDICE PURSUANT
TO FED. R. CIV. P. 41(a)(2)**

Having considered the Joint Motion between Plaintiff SPH America, LLC ("SPH America") and Defendant UTStarcom, Inc. ("UTStarcom"), it is hereby ordered that pursuant to Federal Rules of Civil Procedure 41(a)(2):

(1) All claims that SPH America asserts against UTStarcom in the above-captioned action are dismissed without prejudice;

(2) All claims that UTStarcom asserts against SPH America in the above-captioned action are dismissed without prejudice; and

(3) SPH America and UTStarcom shall bear their own costs and attorneys' fees.

IT IS SO ORDERED.

Dated: June 16, 2010


JOHN A. HOUSTON
UNITED STATES DISTRICT JUDGE